

E-FILED on 9/17/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JOHN MICHAEL LAUGHLIN,

Plaintiff,

v.

SIDNEY HOWARD MICKELL, et al.,

Defendants.

No. C-09-01685 RMW

ORDER DENYING DEFENDANT'S
MOTION TO DISMISS THE SECOND
CLAIM FOR RELIEF OF THE FIRST
AMENDED COMPLAINT

[Re Docket No. 10]

Defendants Ray Walsh and Aaron Gestl move to dismiss the second claim for relief of the First Amended Complaint under the Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code § 1788.2(c) for failure to state a claim upon which relief could be granted. Plaintiff John Michael Laughlin opposes the motion. Defendants' motion came on for hearing before the court on September 4, 2009. Having considered the papers submitted by the parties and the arguments of counsel, and for the reasons set forth at the hearing, the court denies the motion.

DATED: 9/17/09



RONALD M. WHYTE
United States District Judge

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12 **Dated:** 9/17/09

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13 **Chambers of Judge Whyte**